

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of)

PUBLIC UTILITIES COMMISSION)

Docket No. 2009-0108

Instituting a Proceeding to Investigate)
Proposed Amendments to the Framework)
for Integrated Resource Planning)

**FOREST CITY HAWAII RESIDENTIAL, INC.'S MOTION FOR APPROVAL TO
AMEND ITS STATUS AS AN INTERVENOR TO A PARTICIPANT**

AFFIDAVIT OF DUKE T. OISHI

AND

CERTIFICATE OF SERVICE

PUBLIC UTILITIES
COMMISSION

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FILED

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**FOREST CITY HAWAII RESIDENTIAL, INC.'S MOTION FOR APPROVAL TO
AMEND ITS STATUS AS AN INTERVENOR TO A PARTICIPANT**

FOREST CITY HAWAII RESIDENTIAL, INC., a Hawaii corporation ("Forest City"), by and through its counsel, Yamamoto & Settle, hereby moves the Honorable Public Utilities Commission of the State of Hawaii (the "Commission") for approval to amend its current status as an intervenor to a participant in this proceeding (the "Motion"). This Motion is made pursuant to Hawaii Administrative Rules ("HAR") §§ 6-61-41 and 6-61-56, and is supported by the Affidavit of Duke T. Oishi attached hereto and incorporated by reference.

Specifically, Forest City respectfully requests approval that its participation in this proceeding be hereinafter reduced to allow Forest City to: (1) monitor the proceeding by receiving all filings by the Commission and the other parties to ensure, among other things, that its interests and/or rights (financial, contractual, or other), as alleged in its June 3, 2009 Motion to Intervene, are adequately protected; and (2) file a final statement of position in accordance with the Stipulated Procedural Schedule as

modified and approved by the Commission,¹ to the extent Forest City deems necessary and allowed by the Commission. Pursuant to HAR § 6-61-41(b), Forest City does not request a hearing on this Motion. In support of its Motion, Forest City states as follows:

1. Brief Background and Reasons for Requested Relief

By Order Initiating Investigation, filed on May 14, 2009, the Commission instituted this proceeding to examine Hawaiian Electric Company, Inc. ("HECO"), Maui Electric Company, Ltd. ("MECO"), Hawaii Electric Light Company, Inc. ("HELCO") (HECO, MECO, and HELCO collectively referred to as the "HECO Companies"), Kauai Island Utility Cooperative ("KIUC"), and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs' (the "Consumer Advocate") proposed amendments to the Framework for Integrated Resources Planning (the "IRP Framework"), as set forth in their letter dated and filed on April 28, 2009. Forest City timely filed its motion to intervene on June 3, 2009 ("Motion to Intervene").

By Order Granting Intervention, filed on July 1, 2009 (the "Order Granting Intervention"), the Commission granted intervenor status to Forest City. As such, Forest City is currently a party to the instant proceeding. As an intervenor, Forest City believes it has fully participated in accordance with the Order Granting Intervention and Order Approving the Stipulated Procedural Order, as Modified, filed on September 23, 2009 (the "Order Approving Procedural Order").

During the month of July 2009, Forest City participated in several informal meetings and discussions regarding the IRP Framework and a stipulated procedural order that would be suitable to the parties to this docket. On August 11, 2009, Forest City attended Technical Session No. 1 in this proceeding, which was hosted by the HECO

¹ See Order Approving the Stipulated Procedural Order, as Modified, filed on September 23, 2009.

Companies to provide the parties with an overview and clarification of the proposed amendments to the IRP Framework. Between August 11, 2009 and September 15, 2009, Forest City participated in informal meetings and discussions regarding the IRP Framework and to develop an agenda and format for Technical Session No. 2 in this proceeding that might best facilitate discussion of the HECO Companies' and the parties' informal comments and proposed modifications to the IRP Framework. On September 15, 2009, Forest City attended Technical Session No. 2 in this proceeding.

Through the course of attending and participating in the foregoing discussions, meetings, and Technical Sessions, Forest City was able to gain a clearer sense of the positions, concerns and interests of the various parties, including the HECO Companies. The issues in this docket are varied and complex. While the Parties were not able to resolve all of their concerns, the discussions, meetings, and Technical Sessions were highly productive in narrowing some of those issues and allowing the parties to further clarify their positions.

Through its participation to date, and upon review of the Order Approving Procedural Order and the Commission's Statement of the Issues in this proceeding, Forest City has concluded that a number of the interests and concerns it originally held regarding the Proposed CESP Framework do not coincide with the revised Statement of Issues the Commission seeks to examine as set forth in the Commission's Order Approving Procedural Order. Furthermore, as a result of the Commission's recent and landmark Decision and Order in Docket No. 2008-0273, In the Matter of the Public Utilities Commission Instituting a Proceeding to Investigate the Implementation of Feed-in Tariffs, filed September 25, 2009, Forest City interests in this docket appear to have changed.

In Forest City's Motion to Intervene, Forest City stated that as a residential and commercial developer in Hawaii with contractual relationships with the federal and State government for development of governmental lands, Forest City intends to include various renewable energy projects as components of its developments in Hawaii. Forest City believes that with the feed-in tariffs established by the Commission, Forest City will have a potential option to pursue its energy projects.

Based on the foregoing, Forest City believes its interests can hereafter be best served by monitoring further proceedings and filing a final statement of position as necessary, and to the extent allowed by the Commission. Forest City believes its limited participation, as may be approved by the Commission, will better facilitate a just, speedy, and inexpensive determination of this proceeding.

Consistent with its actions to date as an intervenor in this proceeding, Forest City will not participate in a manner that would unreasonably broaden the pertinent issues established in this docket or unduly delay the proceeding. In addition, Forest City asserts that its request to reduce its status from intervenor to participant is consistent with the Commission's decisions in other proceedings.²

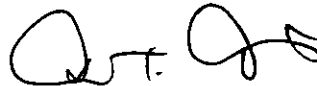
² See, e.g., In the Matter of Public Utilities Commission Instituting a Proceeding to Investigate the Implementation of Feed-in Tariffs, Docket No. 2008-0273, Order Granting Maui Land & Pineapple Company, Inc.'s Motion For Approval to Amend its Status as an Intervenor/Party to a Participant (order filed April 1, 2009); Order Granting Hawaii Bioenergy, LLC's Motion for Approval to Amend its Status as an Intervenor/Party to a Participant (order filed April 9, 2009); Order Granting The County of Hawaii's Motion For Approval to Amend Its Status as a Intervenor to a Participant, filed on April 8, 2009; Granting the City and County of Honolulu's Motion For Approval to Amend Its Status as an Intervenor to a Participant, filed on April 8, 2009; Amending Hawaii Holdings, LLC, Doing Business As First Wind Hawaii and Sempra Generation's Status as Intervenor to Participants; and Amending the Procedural Schedule (order filed April 27, 2009); In the Matter of Public Utilities Commission Instituting a Proceeding to Investigate the Implementation of Intragovernmental Wheeling of Electricity, Docket No. 2007-0176, Order No. 23677 (filed September 21, 2007) (approving and setting forth terms limiting certain parties' participation).

2. Conclusion and Summary of Relief Requested

Based on the foregoing, Forest City respectfully requests that the Commission grant its Motion to amend its current status as an intervenor to a participant in this proceeding, and allow Forest City to continue to participate in this proceeding by: (1) monitoring the proceeding by receiving all filings by the Commission and the other parties to ensure, among other things, that its interests and/or rights (financial, contractual, or other) are adequately protected; and (2) file a final statement of position in accordance with the Stipulated Procedural Schedule as modified and approved by the Commission on September 23, 2009, to the extent Forest City deems necessary and allowed by the Commission.

In light of and consistent with this Motion, Forest City also respectfully requests that the Commission determine that Forest City need not be required to participate fully in the remaining procedural steps under the Stipulated Procedural Order in this docket as modified and approved by the Commission (e.g., filing a Preliminary Statement of Position and Opening and Reply Briefs).

DATED: Honolulu, Hawaii, October 2, 2009.



Dean T. Yamamoto
Scott W. Settle
Jodi Shin Yamamoto
Duke T. Oishi

YAMAMOTO & SETTLE

Counsel for *FOREST CITY HAWAII
RESIDENTIAL, INC.*

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AFFIDAVIT OF DUKE T. OISHI

I, Duke T. Oishi, affirm and declare as follows:

1. I am an attorney with Yamamoto & Settle, A Limited Liability Law Company, counsel for Forest City Hawaii Residential, Inc. ("Forest City").
2. I am familiar with the proceedings conducted in the docket referenced above (this "Docket").
3. During the month of July 2009, as counsel for Forest City, I participated in several informal meetings and discussions regarding proposed amendments to the Framework for Integrated Resource Planning (the "IRP Framework") and a stipulated procedural order that would be suitable to all parties to this Docket.
4. On August 11, 2009, I attended Technical Session No. 1 in this Docket.
5. Between August 11, 2009 and September 15, 2009, on behalf of Forest City, I participated in informal meetings and discussions regarding the IRP Framework and to develop an agenda and format for Technical Session No. 2.
6. On September 15, 2009, I attended Technical Session No. 2 in this Docket.
7. I have discussed the contents of the Motion with Forest City, which Forest City has reviewed and approved.

8. Forest City's interests in this proceeding can hereafter be adequately protected by an amendment to its status as intervenor to participant, permitting it to monitor the proceedings and file a final statement of position as necessary and allowed by the Public Utilities Commission.

DATED: Honolulu, Hawaii, October 2, 2009.



Duke T. Oishi

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CERTIFICATE OF SERVICE

I hereby certify that on this day, copies of the foregoing Motion were duly served either by hand delivery, United States mail, first class postage prepaid, or by electronic mail, upon the following parties and properly addressed as follows:

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